

The Westfield Washington Township Board of Zoning Appeals met at 7:00 p.m. on Monday, November 20, 2006 at Westfield Town Hall. Members present included Brian Morales, Cindy Spoljaric, and Craig Wood. Also present was Tom Higgins and Town Attorney, Brian Zaiger.

Wood presided over the meeting in Miller's absence.

Wood reviewed the Public Hearing Rules and Procedures.

Spoljaric moved to approve the October 13, 2006 minutes as presented.

Morales seconded, and the motion passed by voice vote.

OLD BUSINESS

0609-VS-58: 3543 Carey Glen Court: Shenial Hairston: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance WC 16.04.030 (D) (5) to reduce road frontage.

Higgins stated this is one of the two lots in Carey Glen with the disappearing property owner. He further stated notice has been sent to the house and person of record. Higgins is requesting the Town Attorney send a letter stating they are not in compliance.

Spoljaric moved to send this item to Enforcement for legal procedure and then have the Town attorney send a letter

Morales seconded, and the motion passed by voice vote.

0610-VS-060: 19111 Eagletown Road: Sara Smith: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance to construct a horse stable within two (200') hundred feet of a property line.

0610-VS-061: 19111 Eagletown Road: Sara Smith: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance to construct a horse stable that does not match the building materials of the residential structure.

0610-VS-062: 19111 Eagletown Road: Sara Smith: The Appellant is requesting a Variance of Standard from the Westfield Washington Ordinance to construct a horse stable that exceeds the building height limitation.

Ms. Sara Smith presented the details of the variance requests.

Wood asked for clarification on the size.

Smith responded the barn will be 40' x 40' and 16.6' tall.

Wood asked how many horses?

Smith responded they have one right now, but would like to have a pony.

Wood asked about anticipated growth

Smith responded they would like to put four stalls in.

Wood asked about waste disposal.

Smith responded there would be a dumpster and trash pickup.

Wood asked if any commercial was planned.

Smith responded no.

Spoljaric asked the reason of the location.

Smith responded it would work out best due to rotation of pastures.

Morales asked about lighting.

Smith responded only a "porch" light to see going into the barn.

A Public Hearing opened at 7:14 p.m.

Mr. Andy Cook asked if the ordinance needed to be reviewed to address "horse issues."

Zaiger responded with information on the ordinance.

Higgins stated the Town is currently looking at hiring someone to rewrite our code.

The Public Hearing closed at 7:16 p.m.

The Board addressed the items individually.

Spoljaric moved to approve 0610-VS-060 with the following condition:

1. The Appellant will provide a buffer planting area in accordance with the Landscape Ordinance of the town, where the barn is abutting adjacent residential structures;
2. Maximum of four animals/horses;
3. For personal use only; no commercial; and
4. No residential facilities in the structure.

Morales seconded, and the motion passed unanimously.

0610-VS-061

Wood asked about building materials for the stable/barn.

Smith responded metal with matching colors.

A Public Hearing opened at 7:24 p.m.

No one spoke, and the Public Hearing closed at 7:25 p.m.

Spoljaric moved to approve 0610-VS-061 as presented.

Morales seconded, and the motion passed unanimously.

0610-VS-062

Morales asked if the residential structure was a two-story and asked if the appellant knew the height of the home.

Smith responded she doesn't know the height of the home, but it is taller than the barn/stable will be.

A Public Hearing opened at 7:26 p.m.

No one spoke, and the Public Hearing closed at 7:27 p.m.

Spoljaric moved to approve 0610-VS-062 with the following condition:

- The Appellant will not construct a building larger than twenty four (24') feet high.

Morales seconded, and the motion passed unanimously.

Wood moved to adopt staff's Finding of Fact on all three variances.

Spoljaric seconded, and the motion passed unanimously.

NEW BUSINESS

0611-SE-002: 19903 Lamong Road: Richard Furgason and Stefanie Collier: The Appellants are requesting a Special Exception from the Westfield Washington Zoning Ordinance to establish a horse riding business at this location.

0611-VS-064: 19903 Lamong Road: Richard Furgason and Stefanie Collier: The Appellants are requesting a Variance of Standard from the Westfield Washington Zoning Ordinance to establish an accessory building that is not subordinate to the

residential structure at this location.

0611-VS-065: 19903 Lamong Road: Richard Furgason and Stefanie Collier: The Appellants are requesting a Variance of Standard from the Westfield Washington Zoning Ordinance to establish an accessory building that is greater than eighteen feet at this location.

0611-VS-066: 19903 Lamong Road: Richard Furgason and Stefanie Collier: The Appellants are requesting a Variance of Standard from the Westfield Washington Zoning Ordinance to establish an accessory building before the residential structure is built at this location.

Mr. Richard Furgason presented the details of the variance requests.

Zaiger suggested the Board may want to address the Special Exception first before moving on to the variance requests.

Spoljaric asked how many animals the appellant currently owns.

Wood asked what the scope of the operation is.

Furgason responded about twenty horses on the premises at one time between personal and business.

Wood asked about hours of operation.

Furgason and Collier responded primarily Monday through Thursdays after school and primarily children.

Wood asked if they are providing their own hay or having it brought in.

Furgason responded would like to provide own hay, but at this time, not sure.

Wood asked if they are looking at outside pasture areas or outside exercise areas.

Furgason responded exercise and pasture.

Wood asked what kind of fencing.

Furgason responded four-board, treated or oak, fencing.

Wood asked about waste disposal.

Furgason responded some would be spread, but most would be hauled away.

Wood asked what the number of planned stalls is.

Furgason responded room for 28 to 29 stalls in the building. He further stated if the Board needed a hard number, he would commit to 29 stalls.

Morales asked about parking.

Furgason showed the Board where the designated parking area would be including trailers and cars.

Morales asked if the trailers would be stored over night or long term.

Furgason responded they have four trailers now; two owned by appellant and two owned by people who have horses housed on the property.

A Public Hearing opened at 7:42 p.m.

Mr. Ken Macy asked where the driveway would be located.

Furgason showed the Board where the driveway would be located.

The Public Hearing closed at 7:44 p.m.

Wood moved to approve 0611-SE-002 with the following conditions:

1. Perimeter fence be established to insure animals are contained within the premises.
2. Maximum number of animals on the premises is limited to 29.
3. The riding facility cannot be used for residential purposes.

Spoljaric seconded, and the motion passed unanimously.

Wood moved to accept the staff's Findings of Fact with additional conditions presented by the Board.

Morales seconded, and the motion passed unanimously.

0611-VS-064

Wood asked when the construction would begin on the riding facility.

Furgason responded a couple of months after approval; the plans are finalized with the exception of how many stalls on the inside.

Higgins added there is a condition that the permit be pulled within eighteen months after Board approval.

A Public Hearing opened at 7:55 p.m.

No one spoke, and the Public Hearing closed at 7:56 p.m.

Spoljaric moved to approve 0611-VS-064 as presented.

Morales seconded, and the motion passed unanimously.

Wood moved to accept staff's Finding of Fact.

Morales seconded, and the motion passed unanimously.

0611-VS-065

A Public Hearing opened at 7:57 p.m.

No one spoke, and the Public Hearing closed at 7:58 p.m.

Spoljaric moved to approve 0611-VS-065 as presented.

Morales seconded, and the motion passed unanimously.

Wood moved to accept staff's Finding of Fact.

Spoljaric seconded, and the motion passed unanimously.

Wood moved to make an amendment to motion stating maximum height for riding structure be no more than 30'.

Spoljaric seconded, and the motion passed unanimously.

0611-VS-066

Furgason requested 24 months to begin building the structure in order to make sure there is enough time to sell existing home.

A Public Hearing opened at 8:01 p.m.

No one spoke, and the Public Hearing closed at 8:02 p.m.

Spoljaric moved to approve 0611-VS-066 with the following condition:

1. Construction of the residential structure will commence within eighteen (18) months after the barn/stable permit is issued.
2. A certificate of occupancy will be issued within eighteen months of the permit being issued for the residence.

Morales seconded, and the motion passed unanimously.

Wood moved to accept the staff's Finding of Fact with additional condition on time constraint.

Spoljaric seconded, and the motion passed unanimously.

0611-VS-067: 3958 Rachel Lane: John and Jacqueline Ogle: The Appellants are requesting a Variance of Standard from the Westfield Washington Zoning Ordinance to reduce the rear yard setback from thirty feet to twenty three feet at this location.

Ms. Jacqueline Ogle introduced her husband John Dan and presented the details of the variance request which is to have a 23' foot easement rather than a 30' easement in order to build a 12' x 16' sunroom.

Morales asked where the entrance was.

Ogle responded an entrance on the Westside as well as through the kitchen.

Ogle added they will put a deck onto the side of the sunroom.

Spoljaric asked if the building materials will match the home.

Ogle responded yes, the building materials will match the home.

A Public Hearing opened at 8:10 p.m.

No one spoke, and the Public Hearing closed at 8:11 p.m.

Spoljaric moved to approve 0611-VS-067 with the following conditions:

1. The Appellant will not use this structure for any commercial activity; and
2. There will be no further requests for rear yard setback variances.

Morales seconded, and the motion passed unanimously.

Wood moved to adopt the staff's Findings of Fact.

Morales seconded, and the motion passed unanimously.

0611-VS-068: 21022 Oak Ridge Road: Gretchen and Scott Adams: The Appellants are requesting a Variance of Standard from the Westfield Washington Ordinance to construct a horse stable within two (200') hundred feet of a property line.

0611-VS-069: 21022 Oak Ridge Road: Gretchen and Scott Adams: The Appellants are requesting a Variance of Standard from the Westfield Washington Ordinance to construct an Accessory Building, horse stable in front of the primary residential structure at this location.

Ms. Gretchen Adams presented the details of the variance requests.

Spoljaric asked how many animals are currently housed and how many in the future.

Adams responded at this time they own one horse, and will not own more than three horses.

A Public Hearing opened at 8:17 p.m.

Ms. Rebecca Brown expressed concern about water flow into their field.

The Public Hearing closed at 8:21 p.m.

Spoljaric moved to approve 0611-VS-068 with the following conditions:

1. The Appellant will not use this structure for any commercial activity; and
2. There will be no residential opportunities within the structure.
3. Maximum number of animals/horses will be four.

Morales seconded, and the motion passed unanimously.

Wood moved to accept the staff's Findings of Fact with the additional condition stated by the Board.

Morales seconded, and the motion passed unanimously.

Morales moved to approve 0611-VS-069 with the following conditions:

1. There will be no residential accommodations within the structure; and
2. There will be no commercial activities occurring within the barn (boarding of horses).

Spoljaric seconded, and the motion passed unanimously.

Wood moved to adopt staff's Finding of Fact.

Morales seconded, and the motion passed unanimously.

Ms. Sharon Williams presented a letter expressing concern about underground drainage tiles near State Road 32, Wheeler, and Oak Ridge Road.

The meeting adjourned at 8:30 p.m.

Chairman

Secretary